UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONGGUAN JIASHI DISPLAY PRODUCTS CO. LTD., et al.,

Plaintiffs,

v.

SHAOPENG GUO,

Defendant.

CASE NO. C25-0196JLR

ORDER

I. INTRODUCTION

Before the court is Plaintiffs Dongguan Jiashi Display Products Co. Ltd. and Hangzhou Jupai Network Technology Co. Ltd.'s (together, "Plaintiffs") *ex parte* motion to authorize alternative service via email on Defendant Shaopeng Guo ("Defendant"). (Mot. (Dkt. # 46).) The court has reviewed the motion, the relevant portions of the record, and the governing law. Being fully advised, the court GRANTS Plaintiffs' motion for alternative service.

II. BACKGROUND

Plaintiffs are foreign companies organized under the laws of China that sell certain household products on Amazon.com, including "Vacuum Stand Products." (Compl. (Dkt. # 1) ¶¶ 3-4.) Plaintiffs allege that Defendant is an individual residing in China and the applicant and inventor of U.S. Patent No. D1,021,487 ("'487 Patent"). (*Id.* at 1; *id.* ¶ 5.) Defendant allegedly sells Plaintiffs' Vacuum Stand Products in the United through an "e-commerce Amazon store, named OUTBROS-US." (*Id.* ¶¶ 6-7.)

Plaintiffs contend that in or around November 2024, Defendant filed a complaint with Amazon asserting that Plaintiffs' Vacuum Stand Products infringed the '487 Patent and caused Plaintiffs' product listings to be removed from Amazon. (*See id.* ¶¶ 11-13.) Plaintiffs submitted an inquiry with Amazon seeking to have their products relisted, but were informed that they needed to submit either a court order authorizing them to sell their products or a non-infringement statement, or to contact the "Rights Owner" directly and ask them to withdraw the infringement complaint. (*See* Letter (Dkt. # 9-1) at 5 ("Amazon Letter").) The Amazon Letter disclosed that the email address of the "Rights Owner" was haoyichen@archlakelaw.com.

Plaintiffs commenced this action on December 1, 2024 in the United States District Court for the Northern District of Illinois. (*See* Compl.) Plaintiffs allege that "the claimed design of the '487 Patent" was already patented and available to the public years before the '487 Patent's filing date, and that Defendant is "using Amazon's intellectual property protection system as a tool to harm legitimate sellers like the Plaintiffs, steal [their] market, and eliminate unfair competition." (*Id.* ¶¶ 19-20.)

Plaintiffs seek a declaratory judgment that the '487 Patent is invalid, unenforceable, and has not been infringed by Plaintiffs Vacuum Stand Products. (*Id.* ¶¶ 23-50.) Plaintiffs also allege that Defendant has engaged in unfair competition. (*Id.* ¶¶ 51-56.)

On December 6, 2024, Plaintiffs moved for a temporary restraining order ("TRO") requiring Defendant to withdraw its Amazon patent infringement complaint and prohibiting Defendant from making any additional patent infringement allegations against Plaintiffs. (TRO Mot. (Dkt. # 6).) Plaintiffs also moved for an order authorizing service of Defendant by email at haoyichen@archlakelaw.com. (*See* 1st Service Mot. (Dkt. # 8); Service Memo. (Dkt. # 9).) On December 12, 2024, the Honorable LaShonda A. Hunt of the United States District Court for the Northern District of Illinois authorized Plaintiffs to serve the TRO motion on Defendant by email, but reserved ruling on the motion to serve process on Defendant by email. (*See* Dkt. Entry (Dkt. # 14).) Plaintiffs served the TRO motion on Defendant by email at the identified email address. (Mot. at 4.) Counsel for Defendant subsequently appeared in the case. (App. (Dkt. ## 18, 22).)

On December 19, 2024, Defendant objected to Plaintiffs' TRO motion. (Obj. (Dkt. # 23).) As relevant here, Defendant argued that the Northern District of Illinois lacked personal jurisdiction over Defendant, but that Defendant would "consent[] to the jurisdiction of the Western District of Washington." (*See id.* at 3.) In or around December 2024, Plaintiffs' Vacuum Stand Product listings were reinstated by Amazon, and Plaintiffs withdrew their TRO motion. (MTW (Dkt. # 25); *see* 1/2/25 Min. Entry (Dkt. # 30) (granting withdrawal motion but denying Plaintiffs' motion to serve process on Defendant by email).) Plaintiffs represent, however, that "Defendant's infringement

complaint against Plaintiff[s] has not been withdrawn," and "Defendant intends to continue taking actions to enforce its patent." (Status Report (Dkt. # 32) at 2; *see also* Email (Dkt. # 32-1) at 2 (Defendant's counsel stating "our client will take the necessary actions to continue enforcing their patent rights").)

On January 23, 2025, Plaintiffs moved to transfer the case to this District. (Transfer Mot. (Dkt. # 34); Transfer Memo. (Dkt. # 35); *see also* Min. Entry (Dkt. # 37) (stating that the transfer motion was unopposed).) The case was transferred to this District on January 27, 2025. (Transfer Letter (Dkt. # 38).) To date, Plaintiffs still have not served Defendant with the summons and complaint. (*See generally* Dkt.; *see also* 1/10/25 Min. Entry (Dkt. # 31) (noting Defendant appeared "for the limited purpose of objecting to personal jurisdiction").) Plaintiffs' attorney represents that Defendant's counsel has refused to accept service of process on behalf of Defendant. (Wang Decl. (Dkt. # 47) ¶¶ 4-5.) Plaintiffs have not located a physical address for Defendant, but believe that Defendant has been receiving Plaintiffs' email communications at the aforementioned email address. (Mot. at 2-3; *see also* Wang Decl. ("Defendant received my email and had actual notice of this litigation").) Plaintiffs now seek leave to serve Defendant by email at haoyichen@archlakelaw.com.

III. ANALYSIS

Federal Rule of Civil Procedure 4(f) governs service of process on individuals in foreign countries. Fed. R. Civ. P. 4(f). Plaintiffs ask the court to authorize service under Rule 4(f)(3), which allows service of process "by other means not prohibited by international agreement, as the court orders." (Mot. at 2-3.) Service under Rule 4(f)(3) is

neither a 'last resort' nor 'extraordinary relief[;]'" rather, "[i]t is merely one means among several which enables service of process on an international defendant." *Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1015 (9th Cir. 2002) (quoting *Forum Fin. Grp., LLC v. President & Fellows of Harvard Coll.*, 199 F.R.D. 22, 23 (D. Me. 2001)). "[A] method of service of process must also comport with constitutional notions of due process." *Id.* at 1016. That is, it "must be 'reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.'" *Id.* at 1016-17 (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). The court concludes that Plaintiffs' proposed method of service comports with the requisite Federal Rules and constitutional notions of due process.

First, service of process by email to a defendant in China is allowed under Rule 4(f)(3) because service by email is not prohibited by the Hague Convention or by any other international agreement. *See Akerson Enters. LLC v. Shenzhen Conglin E-Com. Co.*, No. C24-0506JNW, 2024 WL 3510934, at *3 (W.D. Wash. July 23, 2024) (compiling cases so finding); *see also* Hague Convention, art. 2 (providing that the Hague Convention "shall not apply where the address of the person to be served with the document is not known"); *Amazon.com v. Abeytube*, No. C22-1019RSL-MLP, 2023 WL 8355792, at *1 (W.D. Wash. Dec. 1, 2023) ("whether or not the Hague Convention applies, this Court and others have concluded that email service on individuals located in China is not prohibited by it or any other international agreement"). The court accordingly concludes that service by email comports with Rule 4(f).

Second, service of process by email on Defendant comports with due process because Plaintiffs were previously able to reach Defendant's counsel at the identified email address. (Mot. at 4; Wang Decl. ¶¶ 4-5); *see TV Ears, Inc. v. Joyshiya Dev. Ltd.*, No. 3:20-cv-01708-WQH-BGS, 2021 WL 165013, at *2, *4 (S.D. Cal. Jan. 19, 2021) (authorizing email service of process where Plaintiff received "affirmative responses" from identified email addresses); *cf. Amazon.com, Inc. v. KexleWaterFilters*, No. C22-1120JLR, 2023 WL 3902694, at *2 (W.D. Wash. May 31, 2023) (granting leave to serve defendants by email where plaintiffs "received no error notices or bounce-back messages" after sending test messages to defendants' email addresses).

In sum, the court grants Plaintiffs' motion for alternative service by email because Plaintiffs have shown that service by email on Defendant in China is permitted under Rule 4(f)(3) and comports with due process.

IV. CONCLUSION

For the foregoing reasons, the court GRANTS Plaintiffs' *ex parte* motion for alternative service (Dkt. # 46). Specifically:

(1) The court authorizes Plaintiffs to serve Defendant by email at haoyichen@archlakelaw.com; and

(2) Plaintiff shall file a status report regarding its efforts to serve Defendant by **April 21, 2025**.

Dated this 24th day of March, 2025.

JAMES L. ROBART
United States District Judge